

City's smoking ban to go into effect Tuesday ... and many are OK with ordinance

By Bob Strauss, Staff Writer LA Daily News

Starting next week, L.A. diners will be spared that curious aroma of cigarette smoke accenting tangy barbecue sauce, wafting from outdoor eateries.

The city's smoke-free outdoor dining ordinance takes effect Tuesday, prohibiting smoking within 10 feet of any outdoor dining area. Smoking will also be banned within 40 feet of mobile food trucks, carts and food kiosks.

Fines of up to \$500 for noncompliance can be leveled against both businesses and patrons; as with other smoking regulations in the county, the law is designed to be self-enforced.

"L.A. and California have always led the way when it comes to anti-smoking," Mayor Antonio Villaraigosa said at a news conference announcing the new regulations and their attendant awareness program Thursday at downtown's L.A. Live entertainment campus. He mentioned ordinances that outlawed smoking at beaches, in parks and buildings and at farmers markets that the city has instituted since 2004.

The smoke-free dining ordinance was passed in January 2010 by a unanimous City Council vote. Business owners were given a one-year grace period to post signage explaining the upcoming regulations to their customers.

Dr. Jonathan E. Fielding, director of the Los Angeles County Department of Public Health, praised the mayor and the city for making Los Angeles a safer place for non-smokers to avoid second-hand smoke.

"Research has shown that even many smokers prefer to dine in non-smoking environments," Fielding said, noting that only 14.3 percent of adult residents in the county smoke.

Thursday also marked the launch of a public education campaign that includes transit ads, radio announcements, online advertisements and signage, a smart phone app and the website FreshAirDiningLA.com.

In addition, outdoor sections of restaurants, cafes and food courts are required to sport visible, permanent No Smoking signs with the 10-foot smoke-free zone acknowledged in writing. The non-sitdown vendors must post their signs with the 40-foot notification near the cashier.

"It's great," said Matt Geller, president of the Southern California Mobile Food Vendors Association, an advocacy group for 130 L.A. food trucks. "I get one or two e-mails a week from the public saying 'could you please get your vendors to stop people from smoking in line.'"

The wider no-smoking zone for trucks is because those lines can get pretty long, according to Geller, who added that his vendors will be happy to enforce the ordinance.

"They want to provide the most comfortable environment that they can for the people eating at their truck," Geller said. "So, this is just a tool to allow that. Now, it's not like they have to be the bad guy, it's the city of Los Angeles that's doing it."

Concerns by restaurateurs that the ordinance could drive away some customers were countered by Dr. Kathy

E. Magliato, president of the American Heart Association's Greater Los Angeles Division.

"Ninety-three percent of people surveyed in California want to be in a smoke-free environment," said Magliato, a heart surgeon. "I don't think that business will be adversely affected by this, it'll be positively affected."

The Sweet Butter Kitchen on Ventura Boulevard in Sherman Oaks has both courtyard and sidewalk dining areas. Owner Leslie Danelian, who opened the café-style establishment with her husband five months ago, was all for the the law. Still, she noted it was a complicated issue.

"Smoking's very bad for you and it really masks the taste of food," Danelian said. "But I also understand the customer who wants the European experience of going to a cafe with their dog and having a cigarette."

Sweet Butter patrons who were asked were unanimously in favor of the new ordinance.

"Someone smoking while you're eating is awful," Teresa McNamara, a self-described anti-smoking advocate from Encino, said. "It's less bad outside, especially if the wind is blowing in the right direction. But when the wind is blowing in the wrong direction, it can be horrible."

"I don't feel sorry for the smokers at all," said Beth Cowan, another Sweet Butter diner from Encino. "I'm totally for (the new law). I tend not to go to restaurants where people might be smoking."

Further down the road, outside of a Studio City Coffee Bean & Tea Leaf, four people were puffing away. One of them, a writer from the neighborhood, had a different take on the ordinance.

"I understand it," said Trevor Nystrom, 27. "But I'm not for it because I do smoke and I have friends that smoke. There are so many places we can't smoke; we can't smoke anywhere anymore, it seems like. It's almost discrimination, to some extent."

There are exceptions in the ordinance. Bars, nightclubs and 18-and-older restaurants are exempt from outdoor no-smoke zones.

"We worked it all out with businesses, and some people in the entertainment business thought this was the best way to go," explained City Councilman Tom LaBonge, one of the ordinance's key advocates. "Food and smoking don't mix, but some people do enjoy a cigar at an appropriate location. And bar and nightclub activity is different than your family dining hour."

Informed of this loophole, Nystrom in Studio City didn't miss a beat.

"Does that mean we all have to become alcoholics now to smoke?" he said. "That's what I want to know."